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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,035	03/08/2005	Mauro Antonio Giacomello	FR920020015US1	5566

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SCHMEISER, OLSEN & WATTS  
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SUITE 302  
LATHAM, NY 12110

EXAMINER
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GAMI, TEJAL

ART UNIT	PAPER NUMBER
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2121

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/527,035

Applicant(s)

GIACOMELLO, MAURO ANTONIO

Examiner

Tejal J. Gami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 9, 12, 15, 16, 19, 20, 23 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9, 12, 15, 16, 19, 20, 23 and 25-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/30/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-6, 9, 12, 15-16, 19-20, 23, and 25-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Long (EP Patent Number 0 969 363).

**As to independent claim 1**, Long discloses a data processing system for managing transactions (see Abstract), comprising:

at least one resource manager RM for managing changes to respective system resources (see Col. 2, Paragraph [0006], Lines 31-34) in accordance to a commit/backout protocol (e.g., two phase commit protocol) (see Col. 4, Paragraph [0013], Line 26);

a resource manager coordinator RMC (e.g., transaction manager) for coordinating commit-backout activities of the at least one resource manager (see Col. 12, Paragraph [0039], Lines 47-52); and

at least one process resource manager ERM, working in accordance to a commit/backout protocol, for managing an execution and the compensation of non-compliant processes not complying to the commit/backout protocol (e.g., non-transactional resources, legacy resource managers, compensating resource management) (see Col. 3, Paragraphs [0009]-[0010]), compensation services of the at

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least one process resource manager ERM (e.g., compensating resource manager) (see Col. 3, Line 56 to Col. 4, Line 8) being coordinated by the resource manager coordinator according to the commit/backout protocol (e.g., a compensating resource manager is provided for each non-compliant or legacy durable resource) (see Col. 3, Line 56 to Col. 4, Line 8), the at least one process resource manager ERM determining, upon receipt of a backout request resulting from the execution of the non-compliant processes (see Col. 4, Paragraph [0013]), compensation actions (e.g., CRM compensator) (see Col. 4, Paragraph [0013]) to be performed to transform the system resources into a mutually consistent state that differs from an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes (see Col. 4, Paragraph [0013]).

**As to independent claim 25**, Long discloses a data processing method for managing transactions (see Abstract), comprising:

providing at least one resource manager RM for managing changes to respective system resources (see Col. 2, Paragraph [0006], Lines 31-34) in accordance to a commit/backout protocol (e.g., two phase commit protocol) (see Col. 4, Paragraph [0013], Line 26);

providing a resource manager coordinator RMC (e.g., transaction manager) for coordinating commit-backout activities of the at least one resource manager (see Col. 12, Paragraph [0039], Lines 47-52);

providing at least one process resource manager ERM, working in accordance to a commit/backout protocol, for managing an execution and compensation of non-

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compliant processes not complying to the commit/backout protocol (e.g., non-transactional resources, legacy resource managers, compensating resource management) (see Col. 3, Paragraphs [0009]-[0010]), said resource manager coordinator RMC being adapted to coordinate compensation services of the at least one process resource manager ERM according to the commit/backout protocol (e.g., a compensating resource manager is provided for each non-compliant or legacy durable resource) (see Col. 3, Line 56 to Col. 4, Line 8);

determining by the at least one process resource manager ERM, upon receipt of a backout request resulting from the execution of the non-compliant processes (see Col. 4, Paragraph [0013]), compensation actions to transform the system resources into a mutually consistent state that differs from an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes (see Col. 4, Paragraph [0013]); and

performing the compensation actions (e.g., CRM compensator) (see Col. 4, Paragraph [0013]).

**As to dependent claim 2**, Long teaches the data processing system of claim 1, wherein changes to the system resources resulting from the execution of the non-compliant processes transform the system resources into a mutually inconsistent state (e.g., a compensating resource manager is provided for each non-compliant or legacy durable resource) (see Col. 3, Line 56 to Col. 4, Line 8).

**As to dependent claim 3**, Long teaches the data processing system of claim 2, wherein the changes to the system resources resulting from the execution of the non-

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compliant processes cannot be backed out to transform the system resources from the mutually inconsistent state to the initially consistent state (see Col. 4, Paragraph [0013]).

**As to dependent claim 5**, Long teaches the data processing system of claim 1, process resource manager manages the execution of the non-compliant processes and execution of the compensation actions by means of at least one task, and wherein the at least one task is associated with a plurality of correlated units of work (see Col. 12, Lines 51-52).

**As to dependent claim 6**, Long teaches the data processing system of claim 1, further comprising an information recording service for recording information concerning the compensation actions performed during the execution of the non-compliant processes, the process resource manager determining the compensation actions on the basis of the information recorded by the information recording service (see Col. 19, Line 49 to Col. 20, Line 41).

**As to dependent claim 9**, Long teaches the data processing system of claim 6, further comprising a classification service that classifies processes to be executed into process types and includes a process catalog that comprises the process types and, for the process types in the catalog, the classification service further includes information for enabling the process resource manager to determine the compensation actions on the basis of the information recorded by the information recording service (see Col. 19, Line 49 to Col. 20, Line 41).

**As to dependent claim 12**, Long teaches the data processing system of claim 6 further comprising an error recovery service implementing an error recovery procedure for managing error conditions occurring during the execution of a process, wherein the error recovery procedure depends on the information recorded by the information recording service (e.g., recovery after a failure occurs) (see Col. 24, Paragraph [0082]).

**As to dependent claim 15**, Long teaches the data processing system of claim 1, the non-compliant processes comprise a non-compliant process running on a counterpart processing system, and wherein a labile link exists between the data processing system and the counterpart system (see Col. 8, Paragraph [0025]).

**As to dependent claim 16**, Long teaches the data processing system of claim 15, further comprising a system recovery service SYSR implementing a system recovery procedure for establishing a synchronic point between the data processing system and the counterpart processing system (see Col. 24, Lines 12-58).

**As to dependent claim 19**, Long teaches the data processing system of claim 16, wherein the system recovery procedure includes a negotiation phase between the data processing system and the counterpart processing system, said negotiation phase comprising negotiating identification information of the processes directed to the counterpart processing system (see Col. 24, Lines 12-58).

**As to dependent claim 20**, Long teaches the data processing system of claim 15, further comprising a connectivity service CNCT exploited by the process resource manager for managing communication between the data processing system and the counterpart processing system (see Col. 8, Paragraph [0025]).

**As to dependent claim 23**, Long teaches the data processing system of claim 1, wherein the at least one process resource manager ERM is also for managing an execution and compensation of compliant processes complying to the commit/backout protocol (e.g., two phase commit protocol) (see Col. 4, Paragraph [0013], Line 26), wherein the initially consistent state of the system resources existed prior to the execution of the compliant processes, wherein changes to the system resources resulting from the execution of the compliant processes transform the system resources into a state of inconsistency (see Col. 4, Paragraph [0013]), and wherein the at least one process resource manager ERM determines, upon receipt of a backout request resulting from the execution of the compliant processes additional compensation actions to be performed to transform the system resources from the state of inconsistency to the initially consistent state (see Col. 4, Paragraph [0013]).

**As to dependent claim 26**, Long teaches the method of claim 25, wherein changes to the system resources resulting from the execution of the non-compliant processes transform the system resources into a mutually inconsistent state (e.g., a compensating resource manager is provided for each non-compliant or legacy durable resource) (see Col. 3, Line 56 to Col. 4, Line 8).

**As to dependent claim 27**, Long teaches the method of claim 26, wherein the changes to the system resources resulting from the execution of the non-compliant processes cannot be backed out to transform the system resources from the mutually inconsistent state to the initially consistent state (see Col. 4, Paragraph [0013]).



**As to dependent claim 28**, Long teaches the method of claim 25, further comprising: managing, by the process resource manager, the execution of the non-compliant processes (see Col. 12, Lines 51-52); and

executing the compensation actions including executing at least one task, wherein the at least one task is associated with a plurality of correlated units of work (see Col. 12, Lines 51-52).

**As to dependent claim 29**, Long teaches the method of claim 25, further comprising: recording information, by an information recording service, concerning the compensation actions performed during the execution of the non-compliant processes (see Col. 19, Line 49 to Col. 20, Line 41); and

determining, by the process resource manager, the compensation actions on the basis of the information recorded by the information recording service (see Col. 19, Line 49 to Col. 20, Line 41).

**As to dependent claim 30**, Long teaches the method of claim 29, further comprising classifying, by a classification service, processes to be executed into process types, wherein the classification service includes a process catalog that includes the process types and, for the process types in the catalog, the classification service further includes information for enabling the process resource manager to automatically determine the compensation actions on the basis of the information recorded by the information recording service (see Col. 19, Line 49 to Col. 20, Line 41).

**As to dependent claim 31**, Long teaches the method of claim 29, further comprising implementing, by an error recovery service, an error recovery procedure for

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managing error conditions occurring during the execution of a process, wherein the error recovery procedure depends on the information recorded by the information recording service (e.g., recovery after a failure occurs) (see Col. 24, Paragraph [0082]).

**As to dependent claim 32**, Long teaches the method of claim 25, wherein the non-compliant processes comprise a non-compliant process running on a counterpart processing system, and wherein a labile link exists between the data processing system and the counterpart system (see Col. 8, Paragraph [0025]).

**As to dependent claim 33**, Long teaches the method of claim 32, further comprising providing a system recovery service SYSR implementing a system recovery procedure for establishing a synchronic point between the data processing system and the counterpart processing system (see Col. 24, Lines 12-58).

**As to dependent claim 34**, Long teaches the method of claim 33, wherein the system recovery procedure includes a negotiation phase between the data processing system and the at least one distinct data counterpart processing system, said negotiation phase comprising negotiating identification information of the processes directed to the counterpart processing system (see Col. 24, Lines 12-58).

**As to dependent claim 35**, Long teaches the method of claim 32, further comprising providing a connectivity service CNCT exploited by the process resource manager for managing communication between the data processing system and the counterpart processing system (see Col. 8, Paragraph [0025]).

**As to dependent claim 36**, Long teaches the method of claim 25, wherein the at least one process resource manager ERM is also for managing an execution and

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compensation of compliant processes complying to the commit/backout protocol (e.g., two phase commit protocol) (see Col. 4, Paragraph [0013], Line 26), wherein the initially consistent state of the system resources existed prior to the execution of the compliant processes, wherein changes to the system resources resulting from the execution of the compliant processes transform the system resources into a state of inconsistency (see Col. 4, Paragraph [0013]), and wherein the method further comprises:

determining by the at least one process resource manager ERM, upon receipt of a backout request resulting from the execution of the compliant processes, additional compensation actions to transform the system resources from the state of inconsistency to the initially consistent state (see Col. 4, Paragraph [0013]); and

performing the additional compensation actions (e.g., CRM compensator) (see Col. 4, Paragraph [0013]).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is 571 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center EBC at 866-217-9197 toll-free. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 IN USA OR CANADA or 571-272-1000.



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TJG